

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 250

LABOR RELATIONS - GENERAL

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: ADMINISTRATION
TITLE: LABOR RELATIONS - GENERAL	NUMBER: 103 DOC 250

PURPOSE: To establish Department of Correction ("Department") policy concerning general labor relations issues.

REFERENCES: M.G.L., C.124, §§ 1 (c) and (q).
M.G.L., C. 150E

APPLICABILITY: Staff

PUBLIC ACCESS: YES

LOCATION: DOC Central Policy File.
Each Institution's Policy File.
Department Personnel Policy Manual.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

- Director of Employee Relations.
- Assistant Deputy Commissioners.
- Superintendents and Division Heads.

EFFECTIVE DATE: 09/07/2013

CANCELLATION: 103 DOC 250 cancels all previous department policy statements, bulletins, directives, orders, notices, rules or regulations regarding general labor relations issues which are not consistent with this policy.

SEVERABILITY CLAUSE: If any part of 103 DOC 250 is, for any reason, held to be in excess of the authority of the Commissioner, such decision will not affect any other part of this policy.

1. Pursuant to M.G.L. C. 150E, § 2, certain state employees have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment. Those state employees excluded from the right of self-organization are those employees who are:
 - a. Elected officials;
 - b. Appointed officials;
 - c. Members of any Board or Commission, including employees of the Division of Labor Relations;
 - d. Representatives of any public employer, including the heads, directors and executive and administrative officers of departments and agencies of any public employer;
 - e. Managerial employees;
 - f. Confidential employees;
 - g. Members of the militia or national guard, acting in that capacity; and,
 - h. Officers and employees within the Departments of the State Secretary, State Treasurer, State Auditor and Attorney General.

Employees shall be designated as managerial employees only if they (i) participate to a substantial degree in formulating or determining policy, or (ii) assist to a substantial degree in the preparation for or the conduct of collective bargaining on behalf of a public employer, or (iii) have a substantial responsibility involving the exercise of independent judgment of an appellate responsibility not initially in effect in the administration of a collective

bargaining agreement or in personnel administration. Employees shall be designated as confidential employees only if they directly assist and act in a confidential capacity to a person or persons otherwise excluded from coverage under M.G.L. C. 150E.

2. The Division of Labor Relations is authorized to determine appropriate bargaining units giving due regard to such criteria as community of interest, efficiency of operations, and safeguarding effective representation.

250.02 **COLLECTIVE BARGAINING**

1. Collective bargaining is a relationship between management and the representatives of organized employees. It is characterized by periodic negotiations resulting in a written agreement or contract which establishes a basic rule system governing the work relationships and arrangements for resolving disagreements and conflict.
2. Employee representatives are certified as bargaining agents through elections. To hold an election, at least thirty percent (30%) of the employees in a bargaining unit must petition the State Division of Labor Relations (said Commission is an impartial body which has the statutory responsibility for administering M.G.L., C.150E). Election ballots shall then be forwarded to all unit employees and the majority vote wins the right to represent the unit.
3. Unions which currently represent Department employees are as follows:
 - a. Alliance - an alliance of two (2) public employee unions, the American Federation of State, County and Municipal Employees (AFSCME) Council 93 and the Service

Employees International Union (SEIU) Local 888, which represents employees in bargaining unit 2 (see 103 DOC 250.03).

- b. MCOFU - Massachusetts Correction Officers Federated Union which represents employees in bargaining unit 4 (see 103 DOC 250.03).
- c. MOSES - Massachusetts Organization of State Engineers and Scientists which represents employees in bargaining unit 9 (see 103 DOC 250.03).
- d. NAGE - the National Association of Government Employees which represents employees in bargaining units 1, 3, 6 (see 103 DOC 250.03).
- e. MNA - Massachusetts Nurses Association which represents employees in bargaining unit 7 (see 103 DOC 250.03).
- f. Alliance - an alliance of two (2) public employee unions, AFSCME, Council 93 and SEIU, Local 509, represents employees in the Unit 8 titles of Correctional Program Officer A/B, C & D and the Unit 10 titles of Librarian, Teacher and Education Specialist. (see 103 DOC 250.03).
- g. NEPBA - New England Police Benevolent Association represents employees in the supervisory bargaining unit referred to as Unit 4A (see 103 DOC 250.03).

250.03 **BARGAINING UNITS**

1. The bargaining units, established by the State Division of Labor Relations, are as follows:

Non-Professional Employees

Unit 1. Administrative and Clerical:

Includes all non-professional employees whose work involves the keeping or examination of records and accounts, or general office work such as Bookkeeper I and II, Clerk I-VI, EDP Entry Operator I-IV, Medical Records Librarian and Typist I and II.

Unit 2. Service Maintenance and Institutional:

Includes positions such as Chauffeur, Cook I-III, Licensed Practical Nurse I and II, Storekeeper I-IV and Telephone Operator I and II, but excludes building trades and crafts and institutional security.

Unit 3. Building Trades and Crafts:

Includes positions such as Carpenter I and II, Electrician I and II, First Class Power Plant Engineer, Plumber and Steam Fitter I and II, Sewage Treatment Plant Operator I-III and Steam Fireman.

Unit 4. Institutional Security:

Includes Correction Officers and other employees whose primary function is the protection of persons on the employer's premises and enforcement of rules and regulations of the employer, such as Correction Officer I-III, Correction Officer/Chef, Industrial Instructor I-III, Recreation Officer I and II.

Unit 4A Supervisory Employees

Includes all full-time and regular part-time supervisory employees of the Department of Correction in the title of Captain.

Note: The Unit 4A designation is being used solely for identification purposes. The Division of Labor Relations has yet to assign this new bargaining unit a number.

Unit 5. Law Enforcement:

There are no Department of Correction employees in this unit; it includes state employees with power to arrest whose work primarily involves the enforcement of statutes, ordinances and regulations, and the preservation of public order.

Unit 5A. State Police: (State Police Association of Massachusetts)

There are no Department of Correction employees in this unit.

Professional Employees

Unit 6. Administrative:

Includes legal, fiscal, research, statistical, or analytical employees in positions such as Accountant I-V, Administrative Assistant I and II, Counsel I and II, EDP Programmer I-V and Personnel Officer I and II.

Unit 7. Health Care:

Includes health service employees in positions such as Dentist, Psychologist I -V, Registered Nurse I-VI and Physician's Assistant.

Unit 8. Social and Rehabilitative:

Includes positions such as Chaplain, Correctional Program Officer A/B, C, D, and Employment Services Coordinator.

Unit 9. Engineering and Sciences:

Includes employees in positions such as Civil Engineer I-VI, Electrical Engineer I-VI, Mechanical Engineer I-IV and Laboratory Technician I and II.

Unit 10. Education:

Includes employees in positions such as Librarian I and II and Teacher C, D and E.

2. Within each bargaining unit there may also be "local" union organizations. Each union may establish as many locals as it deems necessary; a local is a political subdivision of the larger union representative, which is approved under charter by the parent organization. Each local is established to represent a group of employees having distinguishing common interests.

3. Union Membership, Dues and Agency Fees

- a. Membership in a union is voluntary. This shall be explained to each department employee along with his/her unit membership, when his/her initial personnel paperwork is being prepared in the department's personnel office. If an employee chooses to become a member of a union, he/she may have monthly union membership dues automatically deducted by the payroll office and forwarded to the union, or he/she may choose to mail said dues directly to the union each month. The

amounts to be charged as membership dues are established by a majority vote of each local union association, and said amounts may differ from local to local, or union to union.

- b. If an employee chooses not to join the union representing his/her bargaining unit, he/she shall be notified that an agency fee must be paid to the union as a condition of employment to help defray the costs of any needed union representation in the future and any contract negotiation costs, since such representation is mandated by the applicable statutes. Said agency fee, established by the union, may be less than, or equal to, union membership dues and may be paid in the same ways as described in the previous paragraph. An employee in this category still retains all benefits provided in the collective bargaining agreement for his/her unit.

250.04 **CONDITIONS OF EMPLOYMENT GOVERNED BY COLLECTIVE BARGAINING AGREEMENTS**

The conditions of employment covered by the collective bargaining agreements with each union are similar and include the following:

1) work week and work schedules, 2) leave, 3) vacations, 4) holidays, 5) expenses, 6) salary rates, 7) seniority, 8) transfers, 9) promotions, 10) reassignments, 11) filling of vacancies, 12) new positions, 13) consultant services, 14) affirmative action and discrimination, 15) out of title work, 16) training and career ladders, 17) safety, 18) grievance procedures, 19) management rights, 20) fees, etc. For a more specific explanation consult the pertinent contract, a copy of which may be obtained from a union representative, or inspected at the personnel office.

NOTE: The Director of Employee Relations shall be contacted if there are questions or conflicting opinions relative to the interpretation of any contract provision.

250.05

CONTRACT NEGOTIATIONS

1. Prior to the expiration date of a collective bargaining agreement, the Office of Employee Relations (OER) (within the Executive Office of Administration and Finance) establishes a schedule of meetings during which union representatives and management representatives of the Commonwealth (designated by OER) negotiate a new agreement governing the aforementioned working conditions and any others agreed upon by both parties to be discussed in the scope of the negotiations. Management representatives of the Department of Correction, as designated by the Commissioner, may take part in these negotiations at the discretion of the Office of Employee Relations. These department management representatives shall conduct a survey of all department managers in order to obtain their opinions on all collective bargaining issues prior to attending any negotiations, and the Commissioner shall review and approve all recommended department positions on these issues so as to have a constructive input at the negotiations in all areas affecting the operations of the Department of Correction.
2. The Secretary of Administration and Finance, acting through the Office of Employee Relations, has the responsibility and sole authority for the establishment and implementation of all statewide employee relations policies, and only OER has the authority to make commitments or agreements in these matters with employee organizations. All department employee relations policies shall be consistent with those established by the Office of Employee Relations.

250.06 **LABOR/MANAGEMENT COMMITTEES**

1. The Commissioner holds Labor Management Meetings with the MCOFU and SEIU, Local 509 on a regular basis.
2. The Commissioner and/or a Superintendent may establish any other appropriate committee including both union and management employees, to meet regularly concerning labor relations concerns and issues at particular institutions or in the department.

250.07 **MANAGEMENT IN-SERVICE TRAINING IN EMPLOYEE RELATIONS**

The Director of Employee Relations, with the assistance of the Department's Director of Staff Development, shall be responsible for the development and/or provision of any in-service training needed by DOC managers in employee relations matters, such as disciplinary procedures, general contract administration, grievance arbitration, etc.. All requests from department managers for such training shall be directed to the aforementioned individuals.